

25672. Misbranding of canned tuna. U. S. v. 420 Cases of Canned Tuna. Consent decree of condemnation and forfeiture providing for release of the product under bond for relabeling. (F. & D. no. 36521. Sample nos. 42151-B, 42185-B, 50237-B.)

The label of this article bore an inaccurate statement as to weight.

On October 18, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 420 cases of canned tuna at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about August 12, 1935, by the Van Camp Sea Food Co., from Terminal Island, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "The Famous Royal Scarlet Brand Light Meat Tuna Fish Packed in Oil Contents 7 oz. avoirdupois 198 grams R. C. Williams & Co. Inc. Distributors New York U. S. A."

Misbranding of the product was charged (a) under the allegation that the label bore the statement, to wit, "Contents 7 oz. avoirdupois 198 grams"; that the said statement was false and misleading and tended to deceive and mislead the purchaser; (b) under the allegation that the product was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On January 31, 1936, the product having been claimed by R. C. Williams & Co., Inc., a consent decree of condemnation and forfeiture was entered, providing for release of the product to the claimant for relabeling upon furnishing of bond in the sum of \$1,500.

W. R. GREGG, *Acting Secretary of Agriculture.*

25673. Adulteration of canned peas. U. S. v. 412 Cases of Canned Peas, and other actions. Decrees of condemnation. Portion of product released under bond. Remainder destroyed. (F. & D. nos. 36531, 36532, 36858. Sample nos. 26942-B, 26952-B, 34879-B.)

These cases involved canned peas samples of which were found to be infested with weevils or worms.

On October 19, October 21, and December 20, 1935, the United States attorneys for the Northern District of California and the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 694 cases of canned peas in various lots at San Francisco, Sacramento, and Los Angeles, Calif., alleging that the article had been shipped in interstate commerce between the dates of July 19 and August 20, 1935, by Libby, McNeill & Libby, in part from Portland, Oreg., and in part from Walla Walla, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Libby's Green Sweet and Tender Jumbo Peas, Libby, McNeill and Libby, Chicago."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

Libby, McNeill & Libby appeared as claimant. On November 5 and November 12, 1935, the claimant having admitted the allegations with respect to the lots libeled at San Francisco and Sacramento and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the lots might be taken down under bond conditioned that those portions approved by this Department as fit for food be released. On February 21, 1936, the claim having been withdrawn for the lot seized at Los Angeles, judgment of condemnation was entered and the goods were ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25674. Adulteration and misbranding of strawberry, raspberry, cherry, pineapple, and blackberry jam. U. S. v. 15 Cases of Alleged Strawberry Jam, et al. Consent decree of condemnation. Products released under bond to be relabeled. (F. & D. no. 36535. Sample nos. 43016-B to 43019-B, incl., 43023-B.)

This case involved an interstate shipment of alleged jams which were deficient in fruit and contained added pectin and excessive moisture.

On October 23, 1935, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of alleged strawberry, raspberry, cherry, pineapple, and blackberry jams at Hartford, Conn., alleging that said articles had been shipped in interstate commerce on or about September 20, 1935, by Fresh Grown Preserve Corporation, from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.